

---

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

LILA NACKOS,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.: 4:11-CV-00279-RAS
V.	)	
	)	
COMMERCIAL RECOVERY	)	
SYSTEMS, INC.,	)	
	)	
Defendant	)	

---

**DEFENDANT’S ANSWER TO  
PLAINTIFF’S COMPLAINT**

Comes now the defendant, Commercial Recovery Systems, Inc., by and through the undersigned counsel, and for its answer to plaintiff’s Complaint (the “Complaint”):

1. States that the allegations contained in paragraph 1 of plaintiff’s complaint speak for themselves and does not require a response;
2. States that it has insufficient information to form a belief as to the truthfulness of the allegations contained in paragraph 2 of plaintiff’s complaint and therefore denies those allegations;

**JURISDICTION AND VENUE**

3. Admits that this court has jurisdiction over this matter;
4. Admits that this court has jurisdiction over this defendant;
5. Admits that venue is proper in this court;

**PARTIES**

6. States that it is without sufficient information to form a belief as to the truthfulness of the allegations contained in paragraph 6 of plaintiff's complaint and, therefore, denies those allegations;
7. States that it is without sufficient information to form a belief as to the truthfulness of the allegations contained in paragraph 7 of plaintiff's complaint and, therefore, denies those allegations;
8. Admits that it is a corporation whose principal business purpose is the collection of debts and admits that it attempted to collect on a debt owed by plaintiff but has insufficient information to form a belief as to the truthfulness of whether the debt in question is or was a "consumer" debt and therefore denies that allegation;
9. Admits that its office is in Dallas, Texas;

**FACTUAL ALLEGATIONS**

10. Denies the allegations contained in paragraph 10 of plaintiff's complaint;
11. Denies the allegations contained in paragraph 11 of plaintiff's complaint;
12. Denies the allegations contained in paragraph 12 of plaintiff's complaint;
13. Denies the allegations contained in paragraph 13 of plaintiff's complaint;
14. Denies the allegations contained in paragraph 14 of plaintiff's complaint;
15. Denies the allegations contained in paragraph 15 of plaintiff's complaint;
16. Denies the allegations contained in paragraph 16 of plaintiff's complaint;

**COUNT I**

17. Denies the allegations contained in paragraph 17 of plaintiff's complaint, including all sub paragraphs;
18. Denies that plaintiff is entitled to statutory damages;
19. Denies that plaintiff is entitled to costs and attorneys fees;

**AFFIRMATIVE DEFENSES**

20. Affirmatively states that the alleged damages suffered by plaintiff are the result of her own conduct and/or the actions of other individuals or entities over which defendant had no control.
21. Affirmatively states that plaintiff's complaint fails to state a claim upon which relief can be granted.
22. Affirmatively states that plaintiff's complaint, or portions thereof, should be dismissed because the claims made therein may be time-barred by the applicable statute or statutes of limitations.
23. Affirmatively states that plaintiff's complaint should be dismissed for insufficient process;
24. Affirmatively states that plaintiff's complaint should be dismissed for insufficient service of process;
25. Reserves the right to assert such additional affirmative defenses as may become apparent during discovery in this matter.

**WHEREFORE**, the defendant, Commercial Recovery Systems, Inc., prays that the Court enter an Order dismissing with prejudice any and all claims asserted by plaintiff against CRS and awarding CRS its costs and attorney's fees and that this Court award any and all other relief that the Court may find appropriate.

Respectfully submitted,

**ROBBIE MALONE, PLLC**

/s/Robbie Malone

ROBBIE MALONE

State Bar No. 12876450

JACOB C. BOSWELL

State Bar No. 24061269

Northpark Central, Suite 1850

8750 North Central Expressway

Dallas, Texas 75231

(214) 346-2625

(214) 346-2631 FAX

E-mail: [rmalone@rmalonelaw.com](mailto:rmalone@rmalonelaw.com)

ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing document has been forwarded via ECF on this 29th day of July, 2011 to:

Michael S. Agruss  
Krohn & Moss, Ltd  
120 W. Madison, 10<sup>th</sup> Floor  
Chicago, Illinois 60602

/s/Robbie Malone